

REMARKS

This application has been reviewed in light of the final Office Action mailed on September 10, 2010. Claims 1-21 are pending in the application with Claims 1, 8, 10-13, 16, and 21 being in independent form. By the present amendment, Claims 1, 8, 10-13, 16, and 21 have been amended. No new matter or issues are believed to be introduced by the amendments.

Claims 1, 2, 5-16, and 19-21 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kuchibhotla et al. (U.S. Patent No. 7,414,989) in view of Dudley et al. (U.S. Patent No. 5,754,754) and Kim (U.S. Application No. 2003/0043764). Applicants respectfully traverse the rejection.

Claim 1, as amended herein, recites, *inter alia*, as follows:

“...wherein **the REV confirmation message is a predetermined signal** that informs the transmitter that a gap exists in a memory of the receiver due to a missing data packet transmitted consecutively before the second data packet ...” (Emphasis added.)

Kuchibhotla, Dudley, and Kim fail to disclose and/or suggest at least “...wherein the REV confirmation message is a predetermined signal that informs the transmitter that a gap exists in a memory of the receiver due to a missing data packet transmitted consecutively before the second data packet...,” as recited in amended independent Claim 1.

At page 5 of the present final Office Action, the Examiner stated that Kuchibhotla and Dudley fail to mention “...retransmitted with a delay or disregarded for retransmission.” The Examiner relied on Kim to cure such deficiencies. However, Kim does not teach and/or suggest at least the additional feature of independent Claim 1.

As understood by Applicants, Kim refers to a method for allocating channel numbers to channel signals by a Node B, which repeatedly transmits a stream of n channel

signals to a UE (User Equipment), each of the channel signals including a channel number and transmission data, the n channel signals having (n+1) different channel numbers, each channel having a given transmission time interval (TTI). (Abstract)

In contrast, as recited by the claims, at paragraph [0051] of Applicants' published application (2007/0115894) it is stated that:

“Hence, **the REV message indicates two different things to the BA: a) a positive confirmation** (ACK) for the data packet D 2, in reply to which the REV was sent, and b) **an indication that the data packet sent** immediately before the data packet D2, is still missing, and should be retransmitted.” (Emphasis added.)

In other words, the REV message is a predetermined signal, as are the ACK and NACK messages/signals. The applied combination of Kuchibhotla, Dudley, and Kim does not teach and/or suggest at least the feature(s) added of the amended independent Claims.

Independent Claims 8, 10-13, 16, and 21 include the same or similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 1, 8, 10-13, 16, and 21 and allowance thereof are respectfully requested.

Dependent Claims 2, 5-7, 9, 14, 15, 19, and 20, are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1, 8, 13, 16, and 21 from which they depend. Further, dependent Claims 2, 5-7, 9, 14, 15, 19, and 20 recite additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 2, 5-7, 9, 14, 15, 19, and 20, and allowance thereof are respectfully requested.

Claims 3 and 18 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kuchibhotla in view of Dudley and Kim as applied to Claims 1 and 16 above, and further in view of Ulug (U.S. Patent No. 4,312,065). Applicants respectfully traverse the rejection.

Ulug does not address the deficiencies of Kuchibhotla, Dudley, and Kim in the independent claims. Furthermore, Dependent Claims 3 and 18 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1, and Claim 16 from which Claim 18 depends. Further, dependent Claims 3 and 18 recite additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 3 and 18, and allowance thereof are respectfully requested.

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kuchibhotla in view of Dudley and Kim as applied to Claim 1 above, and further in view of Dottling et al. (U.S. Patent No. 7,249,303). Applicants respectfully traverse the rejection.

Dottling does not address the deficiencies of Kuchibhotla, Dudley, and Kim in the independent claims. Furthermore, dependent Claim 4 is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1 from which it depends. Further, dependent Claim 4 recites additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claim 4, and allowance thereof is respectfully requested.

Claim 17 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kuchibhotla in view of Dudley and Kim as applied to Claim 16 above, and further in view of Kohno (U.S. Application No. 2003/0120802). Applicants respectfully traverse the rejection.

Kohno does not address the deficiencies of Kuchibhotla, Dudley, and Kim in the independent claims. Furthermore, dependent Claim 17 is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1, and Claim 16 from which it depends. Further, dependent Claim 17 recites additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claim 17, and allowance thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1-21, are believed to be in condition for allowance.

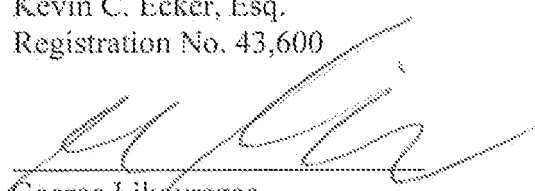
If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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